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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/502,416	07/23/2004	Daniel Greub	0115-044591	3939
28289	7590	05/18/2007		
THE WEBB LAW FIRM, P.C. 700 KOPPERS BUILDING 436 SEVENTH AVENUE PITTSBURGH, PA 15219			EXAMINER CHIEM, DINH D	
			ART UNIT	PAPER NUMBER
			2883	
			MAIL DATE	DELIVERY MODE
			05/18/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/502,416

Applicant(s)

GREUB, DANIEL

Examiner

Erin D. Chiem

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 17-26, 28-36 and 38-44 is/are pending in the application.
- 4a) Of the above claim(s) 18-26 and 33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17, 28-32, 34-36, 38-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

This office action is in response to applicant's amendment filed on February 21, 2007. Currently, claims 17-26, 28-36, and 38-44 are pending.

Examiner would like to address applicant's remark regarding the restriction requirement based upon the recitation longitudinal slit versus axial slit. Applicant contended that the two recitations are equivalent. Firstly, the amended limitation axial slit is inconsistent to the disclosure of the specification, which uses the term *longitudinal slit*. Furthermore, according to the American Heritage Dictionary definition number 2:

*2. Located on, around, or in the direction of an axis*

Since applicant has yet defined an axis in the claim, and the apparatus occupies three-dimensions there are possibly 3 different axes (e.g., x, y, and z). Therefore, the amended limitation of an *axial slit* can be correctly considered a longitudinal slit (along the length of the cylindrical member), circumferential slit (around the circular body of the cylindrical member), or even a diagonal slit (meandering the cylindrical member) along the cylindrical member since the axes are imaginary and can define the axes from any predetermined point of reference.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

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subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 17, 28-32, 34- and 36 are rejected under 35 U.S.C. 102(e) as being anticipated by Wu et al. (US 6,666,586 B2, hereinafter "Wu").

Regarding claims 17 and 36, Wu discloses in Fig. 5, A sleeve mount assembly (100) comprising a sleeve mount having an interior for accommodating and securing a cylindrical sleeve (40) having a longitudinal slit (42), the sleeve mount assembly further comprising optical plug-in connections (12, 50) for accommodating ferrules of two optical plug-in connectors introduced from opposite directions, the sleeve mount having means for securing the sleeve against rotation about a sleeve axis (70, 71, 72, 151) wherein the means for securing are arranged in a central part of the sleeve mount, the sleeve mount is made up of two separate mount parts (111 and 60), and the means for securing are arranged and retained between the mount parts (the assembly parts are between element 111 and 60).

Regarding claims 28 and 38, examiner considers the depressed circular area of element 111 as a flange, and the circular opening of element 60 as a flange, which the two flanges abut each other when assembled with the securing plate (70) retained in a rotationally secure manner directly between the flanges and engaging the longitudinal slit of the sleeve by way of a protuberance.

Regarding claims 29 and 39, the flanges contain depression (see the smaller inner circle on element 111) for accommodating the securing plate (70) and the depressions each have a peripheral contour adapted to a peripheral contour of the securing plate.

Regarding claims 30 and 40, the securing plate (70) has a central opening, the sleeve is plugged through the central opening, and the protuberance is arranged on an inner periphery of the opening.

Regarding claims 31 and 41, the protuberance engages in the longitudinal slit of the sleeve without projecting into the interior of the sleeve (Fig. 8).

Regarding claims 32 and 42, the sleeve mount comprises means for defining the angle-of-rotation provided on the securing plate and the mount parts (Fig. 8 [70]).

Regarding claims 34 and 43, the peripheral contour allows radial play (70).

Regarding claims 35 and 44, the means for defining the angle-of-rotation orientation are bevels (Fig. 8 [72]).

### ***Response to Arguments***

Applicant's arguments filed February 21, 2007 have been fully considered but they are not persuasive. Applicant argues the securing plate of Wu does not secure the cylindrical sleeve in the manner disclosed by claim 17 and 36. Applicant invoked the 6<sup>th</sup> paragraph of 35 USC 112 by the claim limitation of "means" plus "function"; however, applicant did so incorrectly because applicant further narrowed the "means for securing" in the dependent claim 17. Therefore, examiner is no longer required to interpret the means in accordance to the defined specification. However, since applicant amended the independent claims such that the scope of the invention has changed, examiner also provided new grounds of rejection to further clarify and addressed the argument regarding the plate 70 engaging the "cylindrical sleeve having a longitudinal slit" (42). Please see rejection for details.

*Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

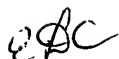
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erin D. Chiem whose telephone number is (571) 272-3102. The examiner can normally be reached on Monday - Thursday 9AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on (571) 272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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